8.

THE

MATTERS of FACT

In the Preſent

Election of SHERIFFS,

For the Year Enſuing, Faithfully Reported:

And the Miſcarriages of my *LORD MAYOR* and ſome other perſons in this Matter, briefly declared.

THE open and bold invaſion made upon the Liberties and Franchiſes of the City, and that attended with a contempt of the Laws of the Land, as well as the Ancient Cuſtoms and Uſages of the Corporation, doth not only ſerve to juſtifie our complaining of the Rape committed upon th Rights and Priviledges of the Free-men of *London*, but invites us to detect and lay open the unreaſonable as well as illegal ways and methods that have been taken for the overthrow of whatſoever we enjoy either by Law, Preſcription, or Charter. For as the Electing of Sheriffs is granted by Charters, and confirmed by divers Laws to the Citizens of *London*; ſo the conducting the Election, and declaring upon whom the choice through the majority of Votes does fall, hath time out of mind appertained unto, and been claimed by the Sheriffs. And tho the Common-Hall be not properly a Court, ſave for the puniſhing my Lord Mayor and Aldermen when they tranſgreſs againſt the duties of their Places, and the Truſts repoſed in them; yet not only the Right of Electing Sheriffs is in that Aſſembly and Convention, but the power of appointing the manner in which they will have the Election managed, does intirely reſide in the Members who conſtitute that great Convocation: Yea ſo far is my Lord Mayor from having either a Negative upon the Hall, or a Right to preſcribe unto the Citizens whom they ſhall chuſe, that he hath not ſo much as Power and Authority to take the Suffrages of the Electors, or to Adjourn or Diſſolve the Hall, without the leave and conſent of the greater number of the Free-men, then and there preſent. And as all this hath been declared and irrefragably demonſtrated in ſeveral Papers already Publiſhed; ſo it hath been affirmed under the hands of as good Lawyers as are in *England*, and particularly of thoſe Gentlemen whom the City have thought worthy to be entruſted in the defending their Charter againſt the *Quo Warranto*, put in for the ſeiſure of it.

But in defiance of all that hath been ſaid, ſuch is the eaſineſs of my Lord Mayor (to ſay no worſe) that he hath ſuffered himſelf to be prevailed upon to deſpiſe Law, violate Charters, and act in direct oppoſition to the duty of his place, and all this for the gratifying of thoſe who have not only commenced a Suit for the ſubverſion of the Corporation, but openly profeſt that they ſeek the deſtruction of its beſt and moſt Honorable Members. And as the recounting the chief heads of the matter of Fact is indiſpenſably neceſſary for the information of the preſent, as well as future Ages; ſo the bare rehearſal of thoſe things, will fill the World with amazement, as well as proclaim the Guilt of ſome perſons, both to this and following Generations.

And that which offereth it ſelf firſt to our notice, is the acceſſion of ſome *Miniſters* to my Lord Mayor to procure him to Drink to Mr. *North*, which his Lordſhip without the leaſt conſideration of that Gentlemans fitneſs for the Place, or any attendance to the Deſign in ſubſerviency whereunto that motion was made unto him, firſt tamely complyed with, and afterwards performed, notwithſtanding the conſequences which would thereupon enſue, were faithfully repreſented unto him.

The next ſtep which his Lordſhip took in purſuance of the like advice, was to run counter, not only to ancient uſage, but to an Act of Common Council, 7 *Car.* 1 in ſending for Mr *North*, and making him Seal a Bond to hold Shriff for the year enſuing, before he was ſo much as named or propoſed to the Common-Hall, that was not till *Midſummer-day*, which was ſome weeks after my Lord Mayor had cauſed him under the forfeiture of 1000*l.* to undertake to ſerve.

The third advance made by Sir *John Moor* againſt the Duty of his place, and the Cuſtoms of

the Corporation, was his altering the form of the Precepts for the ſummoning the Common-Hall againſt the 24 of *June*. And it is remarkable that whereas not only by the Charters, the Citizens are to meet to chuſe annually from among themſelves Sheriffs, but that all former Precepts run in a ſtrain, importing their being to aſſemble to Elect Sheriffs; the preſent Mayor did by an Unprecedented and Arbitrary Power, ſummon them to Convene to confirm one Sheriff whom he had drunk unto, and to chuſe another.

Nor could his Lordſhip ſtop his Irregularities here, but both after a Declaration upon whom the Election had fallen through the majority of Hands, and after the Poll which had been demanded, and wherein himſelf had acquieſced, was peaceably and fairly carrying on, he came attended with a Company of men, whereof many were not Free-men, divers were armed with Swords, and ſeveral were known Papiſts, and not only interrupted the Poll, but contrary to Law and Right, aſſumed to himſelf a power of Adjourning the Hall.

And having thus far embarkt in ſiniſtruous and unjuſtifiable ways, his next proceeding was partly by himſelf, and partly by Citizens whom he countenanced to, miſinform His Majeſty, and contrary both to Truth and his own Knowledg, to abuſe the King in cauſing him to believe that divers peaceable perſons had been guilty of a Riot; upon which miſ report as the two preſent Sheriffs were committed to the *Tower*, ſo the principal blame of it muſt be imputed to his Lordſhip. And as it is the firſt inſtance on the File of Hiſtory, of perſons being Indicted of a Riot, when lawfully Aſſembled together, and quietly proceeding in that which they met about; So I queſtion whether our Law-Books furniſh one Example of the Council-Boards committing two Officers whoſe Place and Duty it was to manage the Poll, and govern the Aſſembly, not only without the hearing of any to ſpeak in their behalf, but in a Caſe, the Cogniſance whereof belongs to the Courts of Common Law.

But his Lordſhips illegalities hitherto had been both aſcribed to the aſcendancy which ſome had gotten over him, and had been eaſily pardoned, had they terminated here, but it ſeems he was too far engaged to retreat, and therefore his next Step was to take upon him, contrary to Senſe and Common Reaſon, as well as Law, to Adjourn the Common-Hall *July* 5*th*, not only by a Gentleman who being no Free man, could not be ſubſtituted his Lordſhips Deputy, or *locum tenens*; but by words *ſignifying only a deſire that they would adjourn*, which did not import the adjourning of them, but left it to themſelves whether they would do ſo, yea or not. And accordingly the Hall without whoſe conſent they cannot be adjourned nor diſſolved by any till they have finiſhed the buſineſs about which they are aſſembled, not only refuſed to be adjourned, but required the Sheriffs to go on with the Poll. Which as it was managed with all prudence, and not ſhut up till after more than uſual and due Proclamation; yet his Lordſhip would not reſt ſatisfied with what was then done (meerly, as is to be ſuppoſed, becauſe the Election fell upon Mr. *Papillon* and Mr. *Duboiſe*) and therefore obtained an Order from the King for a New Hall. For miſſing what he had deſigned, in getting the preſent Sheriffs turned out by a Convention intended to have been made up of one party of men (which would have been called a Common-Hall) had not other Citizens upon ſpelling the project aſſembled without warning, he had no other Retreat left, but to apply to his Majeſty for an Order to begin again. And tho we have nothing to ſay concerning his Majeſties Order, ſave that the printing it for *C. R.* by which perſons upon the firſt view are apt to think they meant *Charles Rex*, did not expreſs that veneration for Majeſty as is fit; yet we muſt take the liberty to charge my Lord Mayor, That after he had ſo often interrupted the Election, and broken in upon the freedom of the Cities choice, he did at laſt labour, and as much as in him lay, compaſs the diſſolving and cancelling of an Election that had been duly made.

To this we may add his Lordſhips refuſing to hear divers Citizens ſpeak, when the Hall firſt aſſembled on *Friday* morning, and he was upon the *Huſtings*, tho it be his Duty to hear every man that hath any thing to offer, and it be their Right and Priviledg to ſay whatſoever they will, provided it be agreeable to the matter before them, and within the bounds and compaſs of Law.

Nor can there be a greater evidence of the unreaſonableneſs both of the faction whom his Lordſhip hath eſpouſed in this whole matter, and of his indiſcretion in heading ſuch a bruitiſh, as well as a violent ſort of men, than their refuſing to ſuffer an *Act of Parliament to be read*, tho offers propoſed ſo to be; and this after the whole Hall had hearkened to the reading of His Majeſties Order, with the greateſt reſpect, and profoundeſt ſilence imaginable.

And in the next place, how can my Lord Mayor anſwer either to God, or his own Conſcience, in keeping ſo many thouſands together from Nine in the morning, till paſt Six in the evening, when divers contracted ſickneſs, and ſome loſt their lives, by reaſon of the exceſſive heat, without coming to a reſolve in himſelf, whether he would acquieſce in the Election that was declared on *Wednesday* before, or whether he would inſiſt either upon a new Poll, or plead his having choſen one Sheriff by drinking to him, and that all which he would allow the Commons, was to elect another.

However, as we may underſtand the capacity of the man, by his having his Gown many times on, to come down upon the *Huſtings*, and pretend to adjourn the Hall, and as often off, as willing to reſt contented in the choice of Mr. *Papillon*, and Mr. *Duboiſe*, which the Sheriffs had de-

declared two days before, with all the wonted solemnity; so his sending for Sir G. *Jefferies*, and Mr. *Saunders*, known enemies to the City Rights, and professedly for the overthrow of the Charter, to advise him, and his submitting to their Opinions, which they durst not subscribe, against the Judgment, as well as the irrefragrable Reasons of the Recorder, Mr. *Polexfen*, and Mr. *Williams*, who signified their readiness to put their hands to what they said, are things which he will not be able to account for, either before a Parliament, or at the Bars in *Westminster-Hall*.

And what will the world think of his taking his last resolution from a Letter which he received from a Minister of State, seeing as it is an high offence against the Statute of *Westminster*, 3 *Ed.* 1. to interpose in, or disturb the Election of any Officers; so it is a high offence against the trust reposed in him, and the integrity of a Lord Mayor of *London*, to take any other measures than what are agreeable to the safety and welfare of the City.

And tho we want a name whereby to call his Lordships retracting his word, after he had consented to the having the Poll go on a new, for two to be chosen out of the Four who had been named, yet we question not but to see a Judicature in *England*, that will both know by what Title to stile it, and to call him to an account for renouncing all Faith, as well as Justice. For it is observable, that he had not only agreed on *Friday* night, to have the Poll proceed for the Election of Two out of Four, but he renewed his agreement as to that particular, to divers worthy Citizens, on *Saturday* morning. But what shall be said of a man who upon the coming of Sir *L. J.* receded from his Word, as well as from Law and City-Custom. Yea, it is no small aggravation of his Crime, that he re-assumed the pretence of his having chosen one Sheriff by vertue of his Prerogative, after he had heard the Secretary affirm, that they must take that course, tho *ruaret Cœlum*, all things should *run into confusion*. And should his Lordships Memory fail him, either as to the Polls being demanded for all Four, or as to his granting it, there are several persons who are able to remember it, and whose words are beyond all suspition of falshood.

The next thing whereof we may justly accuse my *Lord Mayor*, is his usurping the managing of the Poll, not only against Law and usage, but when the Common-Hall had devolved it upon, and lodged it in the Sheriffs. For such was the modesty of those worthy Gentlemen, that they would not undertake it, tho Custom would have justified them in doing so, till they had consulted the Hall, and been empowered by them, as those in whom the Authority does reside over all Affairs which come before them. Here is an Arbitrary Power with a witness, not only to claim what his Ancestors never did, and which constant usage directly gainsays, but to do it in opposition to the vote of three parts in four of the Hall, who entrusted the Sheriffs with the taking the Suffrages, and declaring the Election.

And as he who engageth once in illegal courses, knows not where he shall stop, so his Lordship having advanced thus far *without fear in himself, or Law to countenance him*, proceeded farther in taking the boldness to declare Mr. *North* Sheriff, not only without his being confirmed, but when 2414. Citizens had expressly declared and polled against his Confirmation.

Nay, as if this had not been the height of Extravagancy, his Lordship pretends to declare Mr *Box* Sheriff, tho he had not 1400 Hands; whereas Mr. *Papillon*, and Mr. *Dubois* had upwards of 2400 in the Sheriffs Books, besides some hundreds that polled for them in those that were stiled his Lordships. So that he hath rob'd the Freemen of the Right of chusing both the Sheriffs, and instead of proposing only one to them, whom they may confirm or not, as they see good, he hath by an arbitrary, and illegal power, assumed unto himself the imposing two upon them, against their will and consent.

It were needless to recount all my Lord Mayors Miscarriages in this Affair; such as not only his denying divers worthy Citizens who were for Mr. *Papillon* and Mr. *Dubois*, access unto him, when his house was free and open to those of the contrary party; but the suffering several of the best quality to be affronted and assaulted, if not in his very presence, at least within his gates. And as if it had not been contrary to the duty of his Office as well as the wisdom of a man, to give up himself implicitely to the government and conduct of Sir *L. J.* he not only permitted that person to be present at his discourse with several Free-men that came to him about the priviledges and Franchises of the City; but he connived at and allowed that Minister in checking and rebuking some Gentlemen who had the courage in his hearing to claim their Rights.

Surely as his Lordship hath taken no notice of what befel Sir *Samuel Sterling*, and Sir *Edward Bromfield*, for Offences not neer so heinous as those he is guilty of, so he never read of one Sir *Nicholas Brember* Lord Mayor of *London*, that was condemn'd to be hang'd in *Richard* the 2d's time, and with much a do upon the Kings intercession, had the favour to be beheaded; and this for neglecting the duty of his place, and acting conformably to the *dictates of Court Ministers*; particularly for undertaking at the pleasure of the King, to be Mayor without the consent, and against the will of the Citizens. And as this may instruct Sir *John Moor* what he may in due time expect; seeing the imposing such Officers as Sheriffs upon the City, not only without the concurrence, but against the Declaration of the Free-men, is a much greater Crime than the serving Mayor at the

Knighton

Com

Command of the King, without their consent; so it may forewarn Mr. *North* and Mr. *Box* what is likely to befall them, if they take upon them the Office of Sheriffs against the Will of the Citizens. For if King *Richard* requiring Sir *Nicholas Brember* to hold Mayor without being duly Elected, could not save his Head from the Block, much less can Sir *John Moors* calling these Gentlemen forth to the Office of *Sheriffs*, protect them from the Punishment to which by the Law they shall be found liable for so doing. And as they will be bold men that will undertake the Office of *Sheriffs* upon the bare Authority of my Lord Mayors word; so I know not how the present *Sheriffs* can resign the Goals, *&c.* unto such persons who pretend to the Office of *Sheriffs* by no better Right.

Nay, I will be bold to say, That should my Lord Mayor and the Court of Aldermen have the confidence to swear Mr. *North* and Mr. *Box*, on *Michaelmas* Eve, that the Common-Hall may Vote them out, and chuse others in their Room on *Michaelmas* day.

But it is pleasant to observe how this pretended Election of *North* and *Box* for Sheriffs, against the ensuing Year, works already with the Papists and our *Masquerade Protestants*: for they not only begin to talk of blasting the belief of the Popish Plot, but of Hanging Protestants by Wholesale. And whereas Mr. *Duncomb* was contented a few days ago with the Lives of 9 or 10; nothing less will now serve them than the destroying of Scores, if not Hundreds, and this within the compass of *London* and *Middlesex*.

However, this we have to rely upon, that whereas Mr. *North* had only 107 hands, and Mr. *Box* 1353 in all the Books, Mr. *Papillon* and Mr. *Dubois* had upwards of 2700 Hands a piece, reckoning in my Lord Mayors Books with those of the Sheriffs, and were Proclaimed to be duly Elected by the proper Officers.

And as we cannot think that the King will connive at so unjust a thing, and which so directly subverts all the Laws, by which he hath sworn to Govern; so we are assured that the Judges in His Majesties Courts, will esteem no punishments severe enough, as well for them that shall act as Sheriffs by no better Warrant, as for him that hath taken upon him to declare them for such, against all Law, as well as President.

And as my Lord Mayor may be already sensible, how his Fellow-Citizens resent his late illegal carriage and behaviour towards them, by the many Actions entred against him, to which they have demanded appearance so he will find, that all that is hither done in order to right themselves, and chastise his usurpation upon their Franchises, is but like a few drops before a storm, in comparison of what he must afterwards look for.

Nor must Sir *J. E.* and Sir *W. P. &c.* think to escape being called to an account, not only for abetting the Mayor in all these Invasions upon the Priviledges of the City, but for exciting him unto, and hurrying him upon them. And as it is evident what esteem they have of his Lordship, by using him as a Tool to do such unjustifiable and enormous things, which were they themselves in the Chair, they would neither have the boldness nor indiscretion to attempt; so their thus managing a person whom they stile their Friend, as well as one to whom they are bound by their Oaths to give safe and good Advice, rendreth them Offenders against Truth, Justice, and the Rules of Friendship, as well as against the Rights of the Corporation and their own Oath.

And as for the *Common Sergeant*, and the *Common-Cryer*, they ought to reckon themselves accountable, as for other misdemeanors in this Affair, so for disobeying their Masters in refusing to pronounce and proclaim what the Common-Hall, whose servants they are, required and commanded them to do. And should the Commons of *London* quietly digest, and overlook the disobedience and obstinacy of these Fellows whom they have raised and made, I will say that they have not only forgotten their Authority, but that they deserve to be ridden and trampled upon by their meanest Officers.

LONDON: Printed for *J. Johnson.* 1682.